

**THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

**ARNOLD J. MALERMAN
A/K/A ARNOLD J. MALERMAN, DDS, PC
JOYCE M. MALERMAN
A/K/A JOYCE F. MALERMAN**

BK. No. 19-17375-amc

Chapter No. 07

Debtors

**DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR HSI ASSET
SECURITIZATION CORPORATION TRUST
2007-OPT1, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-OPT1**

11 U.S.C. §362

Movant

v.

**ARNOLD J. MALERMAN
A/K/A ARNOLD J. MALERMAN, DDS, PC
JOYCE M. MALERMAN
A/K/A JOYCE F. MALERMAN**

and

GARY FRANCIS SEITZ (TRUSTEE)

Respondents

**MOTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR HSI
ASSET SECURITIZATION CORPORATION TRUST 2007-OPT1, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-OPT1 FOR RELIEF FROM AUTOMATIC
STAY UNDER §362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtors ARNOLD J. MALERMAN A/K/A ARNOLD J. MALERMAN, DDS, PC AND JOYCE M. MALERMAN A/K/A JOYCE F. MALERMAN.

1. Movant is **DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR HSI ASSET SECURITIZATION CORPORATION TRUST 2007-OPT1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-OPT1.**

2. Debtors, ARNOLD J. MALERMAN A/K/A ARNOLD J. MALERMAN, DDS, PC AND JOYCE M. MALERMAN A/K/A JOYCE F. MALERMAN are the owners of the premises located at **840 TIMBER LANE, UPPER DUBLIN, PA 19025**, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage on the mortgaged premises.

4. Movant wishes to proceed with foreclosure proceedings on the mortgage because of Debtors' failure to make the monthly payment required hereunder.

5. The foreclosure proceedings were stayed by the filing of the instant Chapter 07 Petition.

6. As of January 15, 2020, the principal balance owed on the loan is \$347,487.56.

7. As of January 15, 2020, interest in the amount of \$13,990.31 has accrued since the application of the last payment received from the Debtors.

8. In addition, as of January 15, 2020, the following charges, fees and costs have been added to the balance of the loan and are due and owing to Movant: Accrued Late Charges in the amount of \$398.27, Escrow Advance in the amount of \$13,415.41, Non-sufficient funds (NSF) fees in the amount of \$25.00, and Foreclosure Fees and Costs in the amount of \$2,812.90.

9. As of January 15, 2020, the payoff due on the mortgage is \$378,129.45.

10. As of January 15, 2020, Debtors have failed to tender payments for the months of November 2018 through January 2020. The monthly payments for November 2018 through October 2019 are \$2,294.78 each. The monthly payments for November 2019 through January 2020 are \$2,321.49 each, with accrued late charges in the amount of \$398.27, plus NSF fees in the amount of \$25.00 and Foreclosure Fees and Costs in the amount of \$2,812.90. The next payment is due on or before February 1, 2020 in the amount of \$2,321.49.

11. As of January 15, 2020, the amount necessary to reinstate the account is \$37,738.00.

12. Movant, **DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR HSI ASSET SECURITIZATION CORPORATION TRUST 2007-OPT1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-OPT1**, requests the Court award reimbursement in the amount of \$931.00 for the legal fees and costs associated with this Motion.

13. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

14. Movant specifically requests permission from the Honorable Court to communicate with Debtors and Debtors' counsel to the extent necessary to comply with applicable nonbankruptcy law.

15. Respondent, GARY FRANCIS SEITZ, is the Trustee appointed by the Honorable Court.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under Section 362 with respect to **840 TIMBER LANE, UPPER DUBLIN, PA 19025** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtors and Debtors' counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. Granting any other relief that this Court deems equitable and just.

/s/ Mario J. Hanyon, Esquire
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January 16, 2020